

REMARKS

Claims 1-12, 14-16, 18, and 21-24 are pending. Claims 13, 17, 19, and 20 are cancelled. Claims 1, 2, 6, 7, 9 and 21-24 stand rejected under 35 USC § 102(e), and claims 3-5, 8, and 10-16 stand rejected under 35 USC § 103(a). Applicant appreciates the interview to clarify the rejections with respect to the claims and the claims although no agreement was reached. Applicant respectfully traverses the rejections with respect to the claims 1-12, 14-16, 18, and 21-24 with the following remarks.

Applicant requests interview

Per our discussion, Applicant, Examiner and Examiner's supervisor have an interview scheduled for Tuesday, July 22, 2008 at 1pm EST. Applicant respectfully requests this and further interviews to the extent they will expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 391-4913.

Rejections under 35 USC § 102(e)

Claims 1, 2, 6, 7, and 9 stand rejected under 35 USC § 102(e) as being anticipated by Jorapur U.S. Pat. App. 2003/0204784 (hereinafter "Jorapur"). Applicant respectfully traverses the rejections with the following remarks.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference.¹ The identical invention must be shown in as complete detail as is contained in the claim.² Furthermore, the elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required.³

Independent Claim 1

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

² *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

³ *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Office action fails to establish a prima facie case of anticipation for amended independent claim 1 because Jorapur fails to describe, either expressly or inherently, “each and every element as set forth in the claim”. In particular, Jorapur fails to describe “selecting the code segment...”, “verifying that the code segment has an entry point”, “inserting the entry point in response to determining that the code segment does not have the entry point”, and “incorporating the code segment into the source code skeleton to generate a temporary source file”.

Jorapur describes “[a] system and method [to] provide testing of software in different configurations automatically.”⁴ Jorapur states that “[t]esting may check that an application complies with one or more specification...”⁵ “Software may be tested at least in part automatically and testing may use automatically generated test cases. Test cases may be generated from one or more original tests...”⁶ Jorapur also describes automating production of an application or applications by using standard templates or generating application templates “from parameters 201 provided by a user, an application, or default settings.”⁷ Jorapur describes a template generator “to generate an application template automatically.”⁸ In Jorapur, the templates “may include code for catching exceptions, passing values, and/or for standard functions.”⁹

Some templates may be used for a plurality of different types of software while others may be tailored for a specific type of software. For example, a template may be provided for an EJB configured to provide generic database access for a variety of other modules and another template may be provided for an EJB configured to process results from a particular web page.¹⁰

In one embodiment, developers may produce code for modules or applications without using templates. Developers may update templates 200 or create new templates 200, for example from the code of developed modules or applications.¹¹

⁴ Jorapur Abstract, 1st sent.

⁵ Jorapur par. 21, 2nd sent.

⁶ Jorapur par. 22, 1st and 2nd sent.

⁷ Jorapur pars. 25 and 26.

⁸ Jorapur par. 27, 1st sent.

⁹ Jorapur par. 27.

¹⁰ Jorapur par. 27.

¹¹ Jorapur par. 29, 2nd and 3rd to last sent.

Jorapur fails to anticipate amended claim 1 because Jorapur fails to describe, expressly or inherently, several limitations. First, amended claim 1 includes a limitation to select the code segment from the source file for testing based upon input from a user, the code segment being self-contained. Jorapur discusses testing an application rather than a code segment. Jorapur does not describe selecting the code segment from a source file. Furthermore, claim 1 includes a limitation that the code segment be self-contained and Jorapur does not describe selecting a self-contained code segment.

Second, amended claim 1 includes a limitation to verify that the code segment has an entry point. Again, Jorapur discusses testing an application rather than a code segment. Jorapur does not describe verifying that an entry point is included within a code segment from a source file.

Third, amended claim 1 includes a limitation to insert the entry point in response to determining that the code segment does not have the entry point. Again, Jorapur discusses testing an application rather than a code segment. Jorapur does not describe a determination that the entry point is not included within a code segment from a source file and does not describe insertion of the entry point in response to such a determination.

Fourth, amended claim 1 includes a limitation to incorporate the code segment into the source code skeleton to generate a temporary source file. Jorapur discusses testing an application rather than a code segment. Jorapur does not describe selection of a code segment or incorporation of the code segment into a source code skeleton.

Due to the failure to describe these and other limitations, Jorapur does not anticipate amended claim 1. Thus, Applicant respectfully traverses this rejection of claim 1 and requests that claim 1 be allowed.

Furthermore dependent claim 22 includes a limitation to copy additional code from the source file and paste the additional code into the source code skeleton. Jorapur does not describe copying additional code from the source file and pasting the additional code into the source code skeleton.

Claims dependent upon claim 1 incorporate the limitations of claim 1 so claims 2-8 and claims 21-22 include the limitations of claim 1. Thus, Applicant traverses rejections of claims 2-8 and 21-22 and requests that claims 2-8 and 21-22 be allowed.

Independent Claim 9

The Office action fails to establish a prima facie case of anticipation for amended independent claim 9 because Jorapur fails to describe, either expressly or inherently, “each and every element as set forth in the claim”. In particular, Jorapur fails to describe an interface to select the code segment based upon input from a user. Jorapur also fails to describe a code gatherer to verify that the code segment has an entry point, insert the entry point into the source code skeleton in response to determining that the code segment does not have the entry point, and copy the code segment into the source code skeleton to generate a temporary source file.

As discussed above, Jorapur describes automating production of an application or applications by using standard templates or generating application templates “from parameters 201 provided by a user, an application, or default settings.”¹²

Jorapur fails to anticipate amended claim 9 because Jorapur fails to describe, expressly or inherently, several limitations. First, amended claim 9 includes an interface to select the code segment from the source file for testing based upon input from a user. Jorapur discusses testing an application rather than a code segment. Jorapur does not describe selecting the code segment from a source file.

Second, amended claim 9 includes a code gatherer to verify that the code segment has an entry point. Again, Jorapur discusses testing an application rather than a code segment. Jorapur does not describe verifying that an entry point is included within a code segment from a source file.

Third, amended claim 9 includes a code gatherer to insert the entry point in response to determining that the code segment does not have the entry point. Again, Jorapur discusses testing an application rather than a code segment. Jorapur does not

¹² Jorapur pars. 25 and 26.

describe a determination that the entry point is not included within a code segment from a source file and does not describe insertion of the entry point in response to such a determination.

Fourth, amended claim 9 includes a code gatherer to copy the code segment into the source code skeleton to generate a temporary source file. Jorapur discusses testing an application rather than a code segment. Jorapur does not describe selection of a code segment or copying the code segment into a source code skeleton.

Due to the failure to describe these and other limitations, Jorapur does not anticipate amended claim 9. Thus, Applicant respectfully traverses this rejection of claim 9 and requests that claim 9 be allowed.

Furthermore dependent claim 24 includes a file creator to copy additional code from the source file and paste the additional code into the source code skeleton. Jorapur does not describe copying additional code from the source file and pasting the additional code into the source code skeleton.

Claims dependent upon claim 9 incorporate the limitations of claim 9 so claims 10-14 and new claims 23-24 include the limitations of claim 9. Thus, Applicant traverses rejections of claims 10-14 and 23-24 and requests that these claims be allowed.

Claim rejections under 35 USC § 103(a)

The Office action rejected claim 8 under 35 USC § 103(a) as being unpatentable over Jorapur in view of Friedman et al., U.S. Pat. 7,171,588 (hereinafter referred to as “Friedman”). The Office action rejected claims 10 and 11 under 35 USC § 103(a) as being unpatentable over Jorapur in view of Gallardo (“Getting Started with the Eclipse Platform” from IBM on Nov. 1, 2002). The Office action further rejected claims 3-5 and 14 under 35 USC § 103(a) as being unpatentable over Jorapur in view of Partamian et al., U.S. Pat. 7,062,755 (hereinafter referred to as “Partamian”). The Office action rejected claim 18 under 35 USC § 103(a) as being unpatentable over Jorapur in view of Gertz et al., U.S. Pat. App. 20040003335 (hereinafter referred to as “Gertz”). The Office action rejected claims 12 under 35 USC § 103(a) as being unpatentable over Jorapur in view of Melamed et al., U.S. Pat. App. 20040107415 (hereinafter referred to as “Melamed”).

And, the Office action rejected claims 15 and 16 under “the same rationale” as claims 1-11.

To establish a prima facie case of obviousness, the modification or combination must teach or suggest all of Applicants’ claim limitations.¹³

Independent Claim 15

With regards to claim 15, the Office action fails to establish a prima facie case of obviousness for amended independent claim 15 because Jorapur fails to teach or suggest all of Applicants’ claim limitations. In particular, Jorapur fails to teach or suggest “selecting the code segment...”, “verifying that the code segment has an entry point”, “inserting the entry point in response to determining that the code segment does not have the entry point”, and “incorporating the code segment into the source code skeleton to generate a temporary source file”.

As discussed above, Jorapur describes automating production of an application or applications by using standard templates or generating application templates “from parameters 201 provided by a user, an application, or default settings.”¹⁴ However, Jorapur does not teach or suggest selecting the code segment from a source file. Jorapur does not teach or suggest selecting a self-contained code segment. Jorapur does not teach or suggest verifying that an entry point is included within a code segment from a source file. Jorapur does not teach or suggest a determination that the entry point is not included within a code segment from a source file. Jorapur does not teach or suggest insertion of the entry point in response to such a determination. And, Jorapur does not teach or suggest selection of a code segment or incorporation of the code segment into a source code skeleton.

Thus, Jorapur does not make amended claim 15 obvious. Applicant respectfully traverses this rejection of claim 15 and requests that claim 15 be allowed.

Claims 3-5, 8, 10-14, and 16-20 are dependent upon independent claims 1, 9, and 15. Applicant respectfully traverses the rejections of the independent claims,

¹³ *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

¹⁴ Jorapur pars. 25 and 26.

showing that the independent claims are not anticipated by Jorapur. Because the 35 USC § 103(a) rejections are predicated upon anticipation of the limitations of claims 1, 9, and 15, Applicant traverses these rejections also. Thus, Applicant respectfully requests that the rejections of the dependent claims be withdrawn and that the claims be allowed.

CONCLUSION

Applicant respectfully addresses the objections and traverses the claim rejections under 35 USC §§ 102 and 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

This response accompanies a request for an extension fee and an RCE as well as the corresponding fees. No other fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 090447 for any such required fee.

Respectfully submitted,

July 14, 2008

/Jeffrey S Schubert/

Date

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